

REMARKS

Claims 2 and 3 have been cancelled, and the subject matter thereof has been incorporated into claim 1, which is the primary “apparatus” claim. Similarly, claim 14 has been cancelled, and the subject matter thereof has been incorporated into claim 13, which is the primary “method” claim of the application. Claims 4 and 6 have been amended to clarify that limitations thereof are cast more properly in apparatus form.

The Examiner has objected to claims 7-10 as not adding structure to their parent claims. However, reconsideration of this objection is requested, as it is believed that apparatus limitations are clearly present in these claims. In claim 7, it is indicated that the control system includes at least one “aerobic override condition timing means”. The same limiting language appears in claim 8. Claim 9 characterizes the setting of the aerobic override condition timing means, as does claim 10. It is believed that these clearly are proper apparatus limitations.

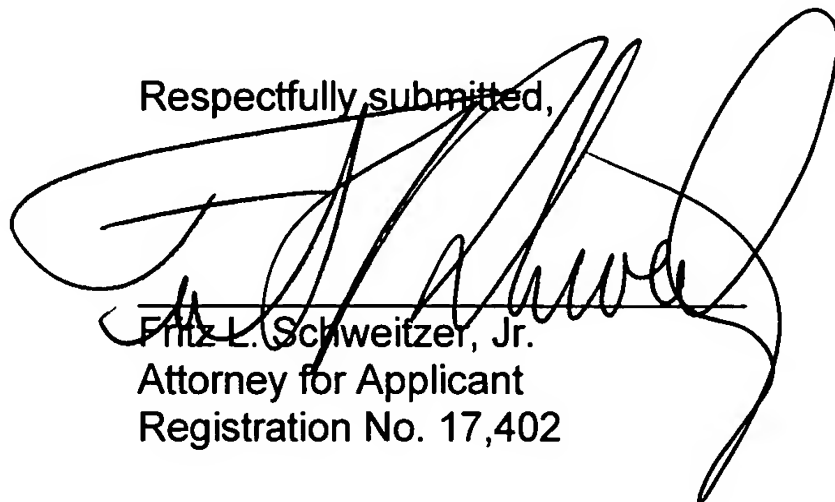
As amended, the claims of the application distinguish in significant respects from the newly cited Reid patent in calling for the timing of the aerobic period to be initiated by the dissolved oxygen reaching a first target level, while the dissolved oxygen level during the aerobic period is controlled to a predetermined higher level than the first target level. This provides significant advantages in the treatment of

sludge where, as frequently is the case, there are significant variations in the load and/or condition of the sludge.

In contrast, the system and procedure of the Reid patent (described at column 6, lines 3-21) call for the aerobic time period to be activated when a predetermined level of dissolved oxygen is reached, and for that same level to be maintained throughout the aerobic sequence time. The difference, which is clearly set forth in the amended claims, is subtle but significant, and is clearly not described or suggested in the cited art.

Accordingly, in the absence of a discovery of more relevant prior art, it is believed that the claims of this application are properly allowable, and an action to that effect is requested.

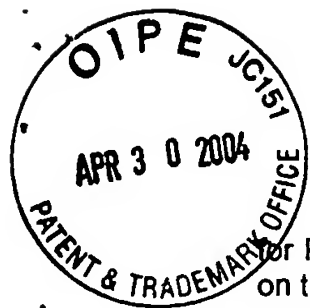
Respectfully submitted,

A large, stylized handwritten signature in black ink, likely belonging to Fritz L. Schweitzer, Jr., is written over the typed name and title.

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for Patents, PO Box 1450, Alexandria VA 22313-1450,
on the date indicated below.

Date: 28 April 2004

Rosemarie Mannino
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